

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
EASTERN DIVISION**

OSCAR FERNANDEZ, Individually and  
as Administrator of the Estate of Isidro  
Fernandez,

Plaintiff,

vs.

TYSON FOODS, INC., TYSON FRESH  
MEATS, INC., JOHN H. TYSON,  
NOEL W. WHITE, DEAN BANKS,  
STEPHEN R. STOUFFER, TOM  
BROWER, TOM HART, CODY  
BRUSTKERN, JOHN CASEY and BRET  
TAPKEN,

Defendants.

No. 20-CV-2079-LRR

**ORDER**


The matter before the court is the parties' "Joint Motion to Set Deadline for Responding to Amended Complaint and to Extend Scheduling Conference" ("Motion") (docket no. 32), which the parties filed on November 18, 2020. In the Motion, Defendants state that they "intend to file motions to dismiss the First Amended Complaint on behalf of all [D]efendants." Motion at 1. The parties request (1) that "the deadline for all [D]efendants named in the First Amended Complaint . . . to move to dismiss the First Amended Complaint be set [to] December 11, 2020 from the current deadline of November 25, 2020"; (2) that "Plaintiffs' deadline for responding to such motions be set [to] January 11, 2021 from the current deadline of December 9, 2020"; and (3) that "the deadline for submitting the Scheduling Order and Discovery Plan . . . be continued for a period of 60 days from the current deadline of December 1, 2020." *Id.* at 1-2.

The Motion is **GRANTED in part** and **DENIED in part**. Defendants shall have to **Friday, December 11, 2020** to file any motion(s) to dismiss Plaintiffs' First Amended

Complaint. Plaintiffs shall have until **Monday, January 11, 2021** to file any response(s) to any motion(s) to dismiss the First Amended Complaint filed by Defendants. No further extensions will be granted to the parties' agreed upon deadlines. The parties' request to continue the deadline for submitting the Scheduling Order and Discovery Plan is **DENIED**. The current deadline of December 1, 2020 for filing the Scheduling Order and Discovery Plan remains firm. Additionally, the Motion to Dismiss (docket no. 20) filed by Defendants Dean Banks, Hamdija Beganovic, Missia Abad Bernal, Tom Brower, Elizabeth Croston, Tom Hart, James Hook, Ramiz Muheljc, Mary A. Oleksiuk, Stephen R. Stouffer, John H. Tyson and Noel W. White is **DENIED as moot**.<sup>1</sup> Similarly, Defendants Tyson Foods, Inc.'s and Tyson Fresh Meats, Inc.'s Motion to Dismiss (docket no. 21) is **DENIED as moot**.

**IT IS SO ORDERED.**

**DATED** this 18th day of November, 2020.

  
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LINDA R. READE, JUDGE  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF IOWA

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<sup>1</sup> The court notes that, on November 11, 2020, with the filing of the First Amended Complaint (docket no. 29), the following Defendants Mary A. Oleksiuk, Elizabeth Croston, Hamdija Beganovic, James Hook, Ramiz Muheljc and Missia Abad Bernal were dismissed from this action and have been terminated from this case.